

REMARKS

Claim 1 has been amended by adding a limitation for a thickness and a density of the shape retaining layer recited in Claim 19 and by deleting a limitation for a flow resistance value. Claim 19 has been amended by deleting a limitation for a thickness and a density of the shape retaining layer and by adding a limitation for a flow resistance value recited in Claim 1. Claims 13 and 15 had been amended in the similar manner. No new matter has been added. Applicant respectfully requests entry of the amendments and reconsideration of the present application in view of the amendments and the remarks set forth below.

In the Applicant's amendment dated April 29, 2010, Applicant explained the patentability of Claim 1 and 13, which had the limitation now set forth in Claims 19 and 15, respectively. Accordingly, Claims 19 and 15 are patentable for the reasons set forth in Applicant's previous amendment as well as for the reason set forth below in view of their dependency on Claims 1 and 13.

The following remarks set forth the bases of patentability of the remaining claims.

Discussion of Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1, 2, and 10 have been rejected under 35 U.S.C. § 102(b), as being anticipated by Imamura et al. (JP 2003/208183). Applicant respectfully submits that pending claims are allowable over the cited reference, as discussed below. US 2005/0233106, which corresponds to the cited reference, is referred to in this response as the **English language equivalent**.

Standard of Anticipation

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1375, 1376 (Fed. Cir. 2001)

Discussion of Patentability of Independent Claim 1

As amended herein, Claim 1 recites among other things, "the shape-retaining layer has a thickness of 2 to 5 mm and a density of 50 to 300 kg/m³". In rejecting the claims the Examiner reads the claimed shape-retaining layer on Imamura's buffer layer. Imamura disclose a thickness

of the buffer material to be 5mm or more when it is laid and a flow resistance of the buffer material to be between 40 and 800 Nsm⁻³, but is silent about its density. Thus, the cited reference does not describe each and every element as set forth in Claim 1 either expressly or inherently described. Applicant respectfully submits that Claim 1 is not anticipated by the cited reference. Moreover, Claim 1 is allowable over the prior art of record in view of the comments below concerning the non-obviousness of the remaining claims incorporating many of the same feature.

Discussion of Patentability of Dependent Claims

The rest of the rejected claims depend from Claim 1, and further define additional technical features of the present invention. In view of the patentability of Claim 1, and in further view of the additional technical features, Applicant respectfully submits that the dependent claims are patentable over the prior art.

Discussion of the Claim Rejections Under 35 U.S.C. § 103

Claims 3-6 have been rejected under 35 U.S.C. § 103 as being unpatentable over Imamura et al. (JP 2003/208183). Applicant respectfully submits that Claims 3-6 are allowable over the cited reference, as discussed below.

As set forth above, Imamura does not disclose “the shape-retaining layer has a thickness of 2 to 5 mm and a density of 50 to 300 kg/m³” either expressly or inherently. Accordingly, the cited reference fails to teach the specific feature of the subject matter in Claim 1, and will not lead to a prima facie showing of obviousness. Moreover, this instant feature makes vertical molded portions to retain the shape that fits the panel at the installing position without causing deformation that will cause the portion to sag. See applicant’s specification paragraph [0034]. Therefore, even if prima facie case of obviousness were established, this unexpected advantage would rebut any such case.

Claims 3-6 depend from Claim 1 and further define additional technical features of the present invention. In view of the patentability of Claim 1, and in further view of the additional technical features, Applicants respectfully submit that Claims 3-6 are patentable over the prior art.

Discussion of the Claim Rejections Under 35 U.S.C. § 103

Claims 7-9 and 13-18 have been rejected under 35 U.S.C. § 103 as being unpatentable over Imamura et al. (JP 2003/208183) and further in view of Wood (US Publication No. 2001/0050197). Claims 7-9 are patentable in view of their ultimate dependencies on Claim 1, which is non-obvious for the reason discussed above. Applicant respectfully submits that Claims 13-18 are also allowable over the cited references, as discussed below.

As amended herein, Claim 13 recites among other things, “the shape-retaining layer has a thickness of 2 to 5 mm and a density of 50 to 300 kg/m³”. Wood adds nothing to support “the shape-retaining layer has a thickness of 2 to 5 mm and a density of 50 to 300 kg/m³”. Thus, the above argument is equally applicable here. Therefore, Claim 13 is patentable over the cited references. The rest of the rejected claims depend from Claim 1 or Claim 13, and further define additional technical features of the present invention. In view of the patentability of Claims 1 and 13, and in further view of the additional technical features, Applicant respectfully submits that the dependent claims are patentable over the prior art.

Further for Claim 15, as amended herein, Claim 15 recites among other things, “the molded interior trim material installation has a flow resistance value of 1000 to 5000 Nsm⁻³”. Imamura does not disclose “the molded interior trim material installation has a flow resistance value of 1000 to 5000 Nsm⁻³” either expressly or inherently. Wood adds nothing to support this instant feature. Accordingly, the cited references, alone or in combination, fail to teach the specific feature of the subject matter in the claim, and will not lead to a prima facie showing of obviousness. Moreover, this instant feature provides an unexpected advantage which further evidences the non-obviousness of the claimed invention. In particular, the recited feature provides a significant and unexpectedly higher noise reduction effect than flow resistance values above and below the recited range. Please see Fig. 6 of Applicant’s specification. Therefore, even if prima facie case of obviousness were established, this unexpected result would rebut any such case. Applicant respectfully requests withdrawal of the rejection.

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Discussion of Patentability of New Claim

New Claim 19 depends from Claim 1, and further recites "a flow resistance value of 1000 to 5000 Nsm⁻³". In view of the patentability of Claims 1 and 15, Applicant respectfully submits the Claim 19 is patentable over the prior art.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application. *

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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